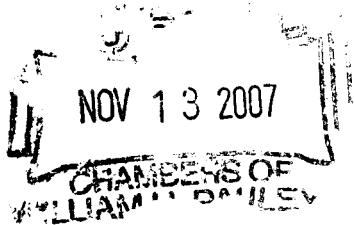




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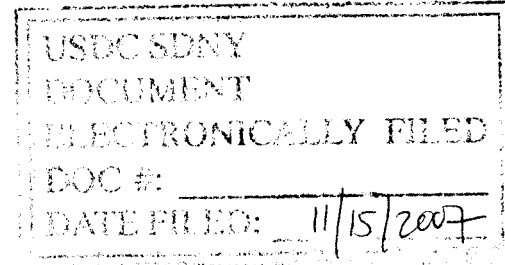
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November 9, 2007

VIA FEDERAL EXPRESS

The Honorable William H. Pauley III
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Chambers 2210
New York, New York 10007



Re: FMC International, Ltd. v. TKMI, Inc., 07-cv-06994 (WHP)

Dear Judge Pauley:

We represent Plaintiff FMC International, Ltd. in connection with the above-referenced matter. In compliance with the Court's August 20, 2007 Order, Plaintiff submits the enclosed "Proposed Joint Discovery Plan" pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, which was filed today, as well as the Complaint and Rule 7.1 Statement, which were filed August 6, 2007. Defendant has neither opposed nor consented to the Discovery Plan as the Complaint has not yet been served upon Defendant. Plaintiff and Defendant are engaged in serious settlement negotiations and are diligently trying to reach an amicable resolution of this matter.

Since settlement negotiations are ongoing, Plaintiff respectfully requests that the initial pretrial conference, which is currently scheduled for November 16, 2007, be postponed until after the December 4, 2007 deadline for service of the Complaint. This is Plaintiff's first request for postponement. Defendant's counsel has neither opposed nor consented to the postponement because he has not received authorization from his client to do so since the Complaint has not yet been served. In the event that the case is settled or the Complaint is served prior to December 4, 2007, Plaintiff will notify the Court.

Respectfully submitted,

Rebecca L. Griffith
Marc A. Lieberstein

Application granted. The conference
is adjourned until December 7, 2007
at 9:45am.
SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.
11/14/2007

 DAY PITNEY LLP

The Honorable William H. Pauley III
November 9, 2007
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Enclosures

cc: David A. Gast (w/enclosures)
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